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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KATHERINE G. AUGUST, THEODORE SIZER II, and
MICHELLE MCNERNEY

Appeal 2008-0755
Application 09/653,810
Technology Center 2100

Decided: February 8, 2008

Before JAMES D. THOMAS, LANCE LEONARD BARRY, and
STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1-17. We have jurisdiction under 35 U.S.C.
§ 6(b). We affirm.

A. INVENTION

The invention at issue involves collecting and providing user information. Typically, information pertaining to an individual may be collected but the individual must interrupt normal activities to upload the information for others to access (Spec. 2). This can be an expensive and time-consuming procedure (*id.*).

In contrast, Appellants' invention provides for integrating information in a "Personal Space" (*id.*). The information may be viewed by a user and associates of the user (*id.* 9).

B. ILLUSTRATIVE CLAIM

Claim 1 which further illustrates the invention, follows.

1. An enterprise information and communication system comprising:

at least one database;

a transaction management engine operative to manage transaction information and move the transaction information to and from the database;

an access management engine for maintaining security of the system wherein the access management engine is operative to hold records of at least one user and associates of the user and information regarding the user to which the at least one user and associates have shared access, to provide permission for accessing the information regarding the user to the user and associates of the user and to deny permission for accessing the information regarding the user to others;

an information mining engine operative to sort information within the at least one database and to locate information stored on remote devices; and,

an input control engine operative to maintain and use device drivers accepting and managing input from the user through the associated devices.

C. REJECTION

Claims 1-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,901,287 (“Bull”). Claim 18 was deemed to be allowable by the Examiner (Ans. 9).

II. CLAIM GROUPING

1 “When multiple claims subject to the same ground of rejection are argued as a group by Appellants, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of Appellants to separately argue claims which Appellants have grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.” 37 C.F.R. § 41.37(c)(1)(vii) (2005).¹

Here, Appellants argue claims 1-11, which are subject to the same ground of rejection, as a first group (App. Br. 5-6) and claims 12-17 as a second group.

III. CLAIMS 1-11

We select claim 1 as the sole claim on which to decide the appeal of the first group. Rather than reiterate the positions of parties *in toto*, we focus on the issue(s) therebetween.

¹ We cite to the version of the Code of Federal Regulations in effect at the time of the Appeal Brief. The current version includes the same rules.

Appellants argue that claim 1 recites “**associates of the user**” (App. Br. 9), that “**the advertisers of Bull are not associates of the user** as the term --associate—is used in the present application” (App. Br. 10), and that “**advertisers and couponers are not associates . . . of a user**” (App. Br. 12).

The Specification discloses examples of associates as including “a health care provider, emergency personnel, and/or the nearest associate or associates” (Spec. 9), “individuals inside and outside the Personal Space **118**” (*id.* 10), “a medical system, medical professional, or a family member” (*id.* 16), “a relative” (*id.*), “patient’s son” (*id.*), “an emergency service bureau” (*id.* 17), “an owner of the enterprise” (*id.*), “some other agent of the owner” (*id.*), “appropriate person or persons” (*id.*), “(o)utsiders from the Personal Space” (*id.* 20), “potential customers (of a car dealership)” (*id.* 23), “customers” (*id.* 25), etc. However, the Specification fails to provide an explicit definition of the term “associate.” In the absence of a definition, we adopt a standard definition of the term “associate” as including anyone who is involved with or interacts with an individual socially, professionally, or otherwise. “[T]he PTO gives claims their ‘broadest reasonable interpretation.’” *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)).

We agree with the Examiner that an “associate” or an entity that is involved with an individual encompasses an advertiser because an advertiser is involved with or otherwise interacts with a potential customer (e.g., by providing product information).

Appellants further argue that Bull fails to disclose “**a user and associates of a user having shared access to information stored in a**

database of an enterprise information and communication system.” (App. Br. 11.

Bull discloses a “User Profile DataStore” that contains “data about the user” (col. 10, ll. 35-37). Also, “user’s profiles are collected based on explicit entry by the user” (col. 5, ll. 11-12). Hence, the user has access to the user profile data store. In addition, “suppliers” obtain “information gathered about a user’s specific interests” (col. 14, ll. 11-12). This information is obtained from the user profile data store by analyzing “a user’s profile and session” (col. 14, ll. 15-16) via an “automated lead generation aspect” or “complex software text agents” (col. 14, ll. 14-20). Therefore, we find that Bull discloses a user profile data store to which a user has access and to which a supplier/advertiser has access via an “automated lead generation aspect” or via “complex software text agents.”

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 1. Therefore, we affirm the rejection of claim 1, and of claims 2-11, which fall therewith.

IV. CLAIMS 12-17

We select claim 12 as the sole claim on which to decide the appeal of the second group. Appellants argue that Bull fails to disclose an information receiver operative to review information pushed at the system from outside the system as recited in claim 12.

Bull discloses that advertisers “enter criteria that should be met for an advertisement/coupon placement” (col. 6, ll. 59-60). These criteria include “a match ‘threshold’” that, when met or exceeded, cause an ad/coupon to be “appended to a system session” (col. 6, ll. 62-64). We find, based on the

record before us, that Bull discloses an entity that receives criteria (i.e., “information”) pushed from advertisers outside the system and “reviews” the pushed criteria to determine a match “threshold.” Further, the criteria are pushed from outside the system.

It follows that Appellants have failed to demonstrate that the Examiner erred in rejecting claim 12. Therefore, we affirm the rejection of claim 12, and of claims 13-17, which fall therewith.

V. ORDER

In summary, the rejection of claims 1-17 under § 102(b) is affirmed. Claim 18 was deemed to be allowable by the Examiner.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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